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July 14, 2006

Mr. Steve York  
Docket Clerk  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

Re: *Boston & Maine Corporation v. Massachusetts Bay Transportation  
Authority* (Civ. Action No. 05-11656-RCL)

Dear Mr. York:

On behalf of Boston and Maine Corporation ("B&M") we are filing a copy of a Reply Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment in the above-captioned case, as well as copies of Plaintiff's Opposition to Defendant Massachusetts Bay Transportation Authority's ("MBTA") Statement of Additional Relevant Facts, and supporting materials. On June 29, 2006, B&M and MBTA filed a Joint Motion for Leave to File Reply Memoranda in Support of Cross Motions For Partial Summary Judgment. As of the present time, the Joint Motion has not yet been decided by the Court, and remains pending.

Accordingly, we are forwarding a copy of the Reply Memorandum pending the Court's decision on the Joint Motion. If the Court should deny or modify the Joint Motion, B&M will withdraw or revise its Reply Memorandum accordingly.

Please feel free to contact us if you have any questions regarding the above.

Sincerely,

/s/ Eric L. Hirschhorn  
Eric L. Hirschhorn  
Attorney for Plaintiff,  
Boston & Maine Corporation

Cc: Honorable Reginald C. Lindsay